

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

BRYAN BONILLA-GARCIA,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	
Warden TJ CONLEY, <i>et al.</i>,	:	NO. 5:18-cv-00017-MTT-CHW
	:	
	:	
Defendants.	:	

ORDER

Petitioner Bryan Bonilla-Garcia, currently confined at Washington State Prison, has filed an application for federal habeas corpus relief under 28 U.S.C. § 2254, challenging his November 21, 2017, placement in administrative segregation. *See* Pet., ECF No. 1. Petitioner also filed a motion to proceed in this action without prepayment of the Court’s filing fees, but Petitioner failed to sign the motion and failed to submit a certification showing the balance of his inmate trust account as required by 28 U.S.C. § 1915 and Rule 3 of the Rules Governing § 2254 Cases in the United States District Courts. *See* Mot. for Leave, ECF No. 2. Consequently, on February 2, 2018, the Magistrate Judge issued an Order affording Petitioner twenty-one days in which to submit a properly completed motion to proceed in forma pauperis (“IFP”) or pay the \$5.00 filing fee applicable to habeas actions. *See* Order, ECF No. 5. That Order advised Petitioner that failure to timely and fully comply could result in the dismissal of his Petition and directed the Clerk of Court to provide Petitioner with a copy of the Court’s standard IFP application and forms. *Id.* at 2.

When the deadline for compliance passed without response from Petitioner, the Magistrate Judge Ordered Petitioner to show cause why this action should not be dismissed due to Petitioner's failure to comply. *See* Order to Respond and Show Cause, ECF No. 6. The Show Cause Order again advised Petitioner that failure to timely comply would result in the dismissal of this action. *Id.* at 2. That order was returned to the Court as undeliverable in an envelope marked "Not IN [illegible]" and "ATTEMPTED NOT KNOWN/UNABLE TO FORWARD." Mail Returned 1, ECF No. 7.

As of today's date, the twenty-one (21) day deadline to show cause has passed without response from Petitioner, and Petitioner has not had contact with this Court since he initially filed his Petition. In that time, Petitioner has failed to respond to multiple Orders of the Court. It, therefore, appears that Petitioner no longer wishes to pursue this action at this time. For these reasons, the instant action is hereby **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 12th day of April, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT